

## Ordinance No. 16-04

### AN ORDINANCE AMENDING THE MUNICIPAL CODE OF ORDINANCES OF THE CITY OF WINDSOR HEIGHTS, IOWA, BY AMENDING PROVISIONS PERTAINING TO PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS, UNDER THE ORDINANCES OF CHAPTER 122

WHEREAS, the City Council of the City of Windsor Heights previously adopted Ordinance No. 13-02 on April 1, 2013, an Ordinance Adopting the Code of Ordinances of the City of Windsor Heights, Iowa; and

WHEREAS, the City Council desires to enact the following in order to accomplish the objectives described.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDSOR HEIGHTS, POLK COUNTY, IOWA:**

SECTION 1: Amended. Section 60.02.08 is hereby amended as follows:

**122.3 APPLICATION FOR PERMIT.** An application in writing shall be filed with the Chief of Police for a permit under this chapter. The applicant shall provide the following information:

1. Applicant's name;
2. Permanent and local address and contact information;
3. Business address, if any;
4. Physical description and a government-issued photo I.D.;
5. Applicant's employer, if any, and the employer's address;
6. The nature of the applicant's business;
7. The last three places of such business;
8. The length of time sought to be covered by the permit;
9. Whether applicant has been listed on any sex offender registry within the last five (5) years; and
10. Whether applicant has had a peddler, solicitor, panhandling, or transient merchant permit suspended, revoked, or denied by this or any other city in the last five (5) years and the reasons therefor.

An application fee in an amount fixed by resolution of the Council shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein. There is no application fee for permits in conjunction with city sponsored events or activities.

**122.4 PERMIT FEES.** Permit fees in amounts fixed by resolution of the Council shall be paid to the Chief of Police or his/her designee prior to the issuance of any

permit. There is no permit fee in conjunction with city sponsored events or activities.

**122.7 PERMIT EXEMPTIONS.** The following are excluded from the application of this chapter.

1. Newspapers. Persons delivering, collecting for, or selling subscriptions to newspapers.
2. Club Members. Members of local civic and service clubs, Boy Scout, Girl Scout, 4-H Clubs, Future Farmers of America, and similar organizations.
3. Local Residents and Farmers. Local residents and farmers who offer for sale their own products.
4. Students. Students representing area schools or school districts conducting projects sponsored by organizations recognized by the school.
5. Route Sales. Route delivery persons who only incidentally solicit additional business or make special sales.
6. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.
7. Charitable and Nonprofit Organizations. Authorized representatives of charitable or nonprofit organizations operating under the provisions of Chapter 504 of the *Code of Iowa*. All such organizations seeking to act as a peddler, solicitor, panhandler, and/or transient merchant are required to submit in writing to the Chief of Police the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which such activities are to be carried on, and whether any commissions, fees or wages are to be charged by the solicitor and the amount thereof. If it is found that the organization is a bona fide charity or nonprofit organization, such charity or organization shall be issued, free of charge, a permit. In the event the permit is denied, the authorized representatives of such charity or organization may appeal the decision to the Council, as provided in Section 122.14 of this chapter.

8. City Employees acting in an extension of their job duties and with the written authorization of their employer. Permits are required for each type of permit use, however individual city employees are not required to complete individual permits.

**Only the content of the aforementioned sections of 122 shall be affected by this Ordinance. All other sections and subsections shall remain unchanged.**

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Severability. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the

ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. Effective Date. This ordinance shall be effective after the final passage, approval and publication as provided by law.

Passed and Approved this \_\_\_\_ Day of May 16, 2016

1<sup>st</sup> Reading: \_\_\_\_\_

2<sup>nd</sup> Reading: \_\_\_\_\_

3<sup>rd</sup> Reading: \_\_\_\_\_

Publish Date: \_\_\_\_\_

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Diana Willits, Mayor

(SEAL)

ATTEST:

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Marcia Woodke, Interim City Clerk